

123 EAST 79TH STREET
NEW YORK CITY

November 19, 1963

Dear Mr. Marshall:

A word to the Attorney General vouching for the National Committee Against Discrimination in Housing would be very helpful. The Committee does such a good job on a minimal budget that I would hate to see the Lexington Club Dinner cut into the yearly fund-raiser which is vital to them.

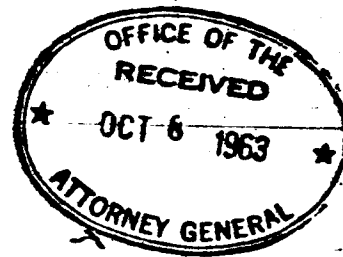
Thank you so much for your help and with all best wishes,

Manetta Tree

P.S. Please let us know when you have a free moment (!) in N.Y.C. as there are many things on which I would appreciate your views - such as the drafting of a ^{U.N.} convention vs Racial discrimination which we will be working on soon.

Department of Justice

Washington



7 October 1963

MEMORANDUM TO THE ATTORNEY GENERAL

The attached concerns a suggestion that the United States propose the creation of a U.N. Rapporteur for Human Rights. This would be done by General Assembly Resolution and would expand U.N. activity in the field somewhat beyond that of present Human Rights Commission. The suggestion is set forth in the cable from Ambassador Stevenson.

The proposal is intended to be limited to avoid having our lines washed in the United Nations. I do not know if that danger can be avoided in any proposal that expands the U.N. role in this area. However, the point is made that a pending U.S. proposal could be used as an argument against any resolution directed more specifically at the U.S.

The State Department wanted you to be informed that this suggestion is drifting up through channels.

I want to be kept advised on this. A good deal of care must be taken or will blow us + the U.N. out of the water

ASSISTANT SECRETARY OF STATE
WASHINGTON

October 1, 1963

CONFIDENTIAL

Dear Burke:

In case you have not already seen it, I am enclosing herewith a telegram which I sent over the weekend summarizing a proposal for a new U.S. initiative in the U.N. on human rights, following up the human rights passages in the President's speech to the General Assembly.

A memorandum embodying the substance of this proposal will be going forward shortly to the Secretary of State and will eventually reach the White House for final decision.

In formulating the enclosed proposal we have had very much in mind the importance of not taking any U.N. action which might have an adverse effect on the civil rights bill or which might in other respects exacerbate our domestic problem. I believe the proposal in its present form has sufficient safeguards to avoid this danger. However, I should be very grateful if you would give it your consideration and alert the Attorney General to the fact that a proposal along these lines will be reaching the White House in the near future.

With best wishes,

Sincerely,



Richard M. Gardner
Deputy Assistant Secretary of State
for International Organization Affairs

The Honorable
Burke Marshall,
Assistant Attorney General,
Civil Rights Division,
Department of Justice.

CONFIDENTIAL

MEMORANDUM FOR THE ATTORNEY GENERAL



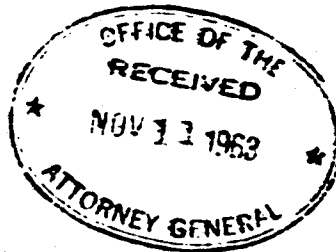
8 November 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Abe Chayes called me about this yesterday. I believe he is going to kill the proposal in the Legal Advisor's office. He is very much against it.

BN

Attachment



Handwritten initials

D O 2nd
12 December 1963

Honorable William A. Egan
Governor of the State of Alaska
Office of the Governor
Juneau, Alaska

Dear Governor Egan:

The Attorney General has asked me to thank you for sending him a copy of your letter to Governor Anderson. I understand that Governor Barron of West Virginia is heading the committee to consider what action, if any, the Governors' Conference could appropriately take in this area. Perhaps some consensus can be reached between now and the next meeting.

The Attorney General appreciates your interest in the matter.

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Air Mail

O Q

There are three significant areas in which State Governors can exert their influence to promote the achievement of full equality by all Americans. Two of these areas are economic; they involve the utilization of State resources and State programs first, to eliminate unemployment and, second, to prepare unskilled and undereducated workers for job opportunities for which they do not now qualify. The third area is political; it encompasses the basic, fundamental right to vote -- a right that must be assured to all Americans.

1. Full Employment. We still suffer from considerable unemployment, and it is members of minority groups that are most affected. Currently, the unemployment rate is 5-1/2 percent with four million people out of work. Last year's loss of man hours in terms of those willing but unable to find full-time work was a staggering one billion work days lost, equivalent to shutting down the entire country for three weeks with no pay. And a disproportionately large number of those in the ranks of the unemployed are our nonwhite citizens. Thus, in 1962, one out of 9 nonwhites (90 percent of whom are Negroes) were unemployed compared to one out of 20 whites. Among

male adults, the nonwhite rate of unemployment was almost 2-1/2 times the white rate. In not one of the past five years was the nonwhite rate of unemployment less than double the white rate. In every occupational group, from laborer to professional, the nonwhite jobless rate never failed to exceed the white. Among teenagers, nonwhite unemployment is dangerously high; 21 percent of all nonwhite teenage boys, and 28 percent of all nonwhite girls were jobless in 1962.

This high incidence of unemployment among nonwhites creates an atmosphere of frustration, unrest, and resentment which cannot be allowed to fester. Delinquency, vandalism, gang warfare, disease, slums, and the high cost of public welfare and crime are all directly related to unemployment. Moreover, it is self evident that a persons economic status plays a vital role in determining the extent to which he can exercise his rights of citizenship. The right to travel free from discrimination, the right to enjoy the facilities of places of public accommodation, the right to buy the home of one's choice, and many other rights, are all meaningless to the man who is unemployed. No matter how clearly and forcefully legislation and court decisions define basic civil rights, the full enjoyment of these rights can only become a reality in a society that is fully employed.

There are many ways in which the States, alone and in cooperation with the Federal Government, can help to create additional jobs. One approach - already actively pursued by a number of States - is to attract new industry and to encourage existing industry to expand its facilities. To be successful in this endeavor, it is essential that the States provide an atmosphere that will attract industrial development. Communities beset by tension and lack of communication among its various groups do not provide such an atmosphere. Nor do communities with inadequate educational, medical, and other public service facilities. Programs to meet needs of the latter type serve a double purpose; not only do they create conditions conducive to industrial development but they also provide many additional jobs.

In fact, more extensive state participation in public service programs is a great aid toward the achievement of full employment. Numerous jobs are created when such essential programs as school construction, urban renewal, the development of urban mass transit systems, the building of health facilities and the conservation and development of natural resources, are vigorously pursued. These programs can be financed

by participation in various existing programs. For example, the Public Works Acceleration Act was designed to promote public works and to provide work for jobless persons in distressed areas. There are many other similar programs. The full utilization of such programs, as well as state-originated programs, should be actively studied and pursued as a basic means of combatting problems of unemployment.

2. Training the Unskilled, Undereducated and Dislocated. Secretary of Labor Wirtz recently remarked that technology had developed to the point where machines have, "on the average," ability equivalent to a high school education. He noted that most of the work that has been done by people with less than a high school education can now be done more cheaply by machines. This indicated, he added, that soon more people without a high school education will not be able to find meaningful employment.

The Secretary's remarks emphasize what is everyday becoming more apparent: today's complex economy, with the rush toward automation, places a premium on skill and education. More and more, the need for manual and semi-skilled labor is diminishing; the demand for technicians grows. The vast majority of Negroes are unskilled and semi-skilled workers.

Displaced by machines, they swell the ranks of the unemployment. Without adequate job retraining, Negro hopes of leaving the ranks of the unemployed are slim. Without adequate vocational education in skills that are in demand, their chances of adding to the jobless ranks are great. Access to vocational and employment training programs is, therefore, of crucial importance to Negroes.

But although the proportion of Negroes without adequate education and training is far higher than the proportion of whites, none of these problems is restricted to Negroes alone. An urgent need exists today for far-reaching improvements in our education and training programs. It is essential that illiteracy be eliminated and that educational levels be raised to meet the demands of our technological society. Efforts must be made to improve the quality of instruction, to enable our schools to cope with rapidly expanding enrollments and to increase the opportunities and incentives for all individuals to complete this education and to continue their self-development through adulthood.

There are already a number of programs designed to provide opportunities for vocational training and retraining, to improve the flow of information

about job openings, to facilitate the relocation of displaced workers and to rehabilitate depressed areas. Many of these programs require close cooperation between the Federal and State governments. For example, Title VIII of the National Defense Education Act provides assistance to States in training individuals "for useful employment as highly skilled technicians in recognized occupations requiring scientific knowledge. . . in fields necessary for the national defense." In addition, there is the Manpower Development and Training Act which is concerned with retraining the unemployed and the closely related Area Redevelopment Act which helps communities that are suffering from substantial unemployment. State participation in these and other programs can do much to improve the status of unskilled and undereducated workers. Well educated, well trained and fully employed citizens are best able to demand and exercise the rights that are part of a free society.

3. The Right to Vote. No one can deny that the right to vote is a fundamental, inalienable right of all people in a democracy. Every other constitutional right depends upon it. Over and over again, the courts have emphasized this fact. The Court of Appeals for

the Fourth Circuit has said (Rice v. Binore, 163 F. 2d 387, 392 (C.A. 4, 1947)):

An essential feature of our form of government is the right of the citizen to participate in the governmental process. The political philosophy of the Declaration of Independence is that governments derive their just powers from the consent of the governed; and the right to a voice in the selection of officers of government on the part of all citizens is important, not only as a means of insuring that government shall have the strength of popular support, but also as a means of securing to the individual citizen proper consideration of his rights by those in power.

More recently, the Court of Appeals for the Fifth Circuit used this vivid language (United States v. Wood, 293 F. 2d 772, 784-85 (C.A. 5, 1961), certiorari denied, 369 U.S. 850 (1962)):

The foundation of our form of government is the consent of the governed. Wherever any person interferes with the right of

any other person to vote or to vote as he may choose, he acts like a political termite to destroy a part of that foundation. A single termite or many termites may pass unnoticed, but each damages the foundation, and if that process is allowed to continue the whole structure may crumble and fall even before the occupants become aware of their peril. Eradication of political termites, or at least checking their activities, is necessary to prevent irreparable damage to our Government.

However, this precious right to vote is today threatened on two fronts. It is endangered by indifference to its importance and by deliberate discriminatory practices designed to prevent certain groups from exercising the franchise.

The failure by millions of Americans to participate in the electoral process is a sad fact of our political life. In November, 1960, there were 107 million civilians of voting age in the United States. Just under 70 million of these went to the polls - about 65 per cent. Compare this figure with the turnout last spring in elections in Austria and

Italy. In these two countries better than 90 per cent voted. Canadians also voted last spring - and they turned out 80 per cent.

There is a great deal that the States can do to eliminate voter indifference. Areas of possible action relate to simplifying the registration procedures and reducing residence requirements. Frequently, complicated and inconvenient registration procedures discourage people from attempting to vote. Long residence requirements - in one state it is two years - also disqualifies many. One in five of our people move every year, and many lose their votes in this process. A Presidential Commission on Registration and Voting Participation is shortly to report on these problems and its recommendations are likely to suggest many possible areas of action.

Discrimination against certain groups of persons is the second factor that is imperiling the right to vote. To deny a group of citizens the opportunity to vote is to deny them participation in their government. They are thus denied the chance that every other minority group has had in this country to improve its lot and take its place in the main stream of our society.

But it is an ugly fact of life in the United States today that the ballot is not equally accessible to all our citizens - particularly Negroes. Many lawsuits, testimony before Congress and the various reports of the United States Commission on Civil Rights have documented this melancholy story in place after place.

Every State has the responsibility to insure that all of its eligible voters are permitted to vote free from discrimination. State voting laws should be applied equally and fairly to all citizens. Where discriminatory practices occur in isolated communities, this should be the occasion for vigorous state action. Disfranchising people because of their color is utterly unjustifiable, and men of good will in all parts of this country can appropriately work together to wipe out this evil.

072
26 November 1963

Honorable William Wallace Barron
Governor of the State of West
Virginia
Executive Mansion
Charleston, West Virginia

Dear Governor:

The Attorney General appreciated your letter. I do not know whether your meeting will be cancelled in view of the President's death. In any event, I am enclosing eight copies of a memorandum prepared here following our discussion with the Attorney General last week. I am at your service if there is any way I can be of assistance.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Enclosures

D -

Congressional

20370

July 17, 1963

Honorable Leroy R. Johnson
The State Senate
Senate Chamber
Atlanta, Georgia

Dear Senator:

Thank you for sending Mr. Amos'
application. We will see if we cannot
move ahead on it. I will let you know.

Best regards,

Burke Marshall

[Incoming letter sent to Nick Katzenbach]

EX-100
BM:ls

15 November 1963

Honorable George Huddleston, Jr.
Member of Congress
United States House of Representatives
Washington, D. C.

Dear Congressman:

The Attorney General has asked me to reply to your letter of 7 November concerning use by Dr. Martin Luther King, Jr., of an automobile rented by a lawyer employed by the Department of Justice.

It is of course contrary to the Department regulations for any automobile rented by a Department employee to be used for any purpose other than official business. Accordingly, what happened was contrary to such regulations.

Unfortunately, instead of admitting his mistake, the lawyer involved denied having lent the car to anyone. All objective checks of his story were consistent with it. You will recall, for example, that the first reports from state and local officials were to the effect that Department of Justice employees had driven Dr. King all around the State of Alabama. It could be objectively ascertained, and was, that the lawyer involved never left Birmingham, and that, contrary to charges at the time, no car rented by the Department could conceivably have been used to transport Dr. King from Selma to Montgomery.

Accordingly, the Department official denied the charges in good faith.

cc: Records
Chrono
Marshall
Doar

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On the night of November 5, the lawyer involved voluntarily admitted that he had not given the Department the true facts. Without this admission it would not have been known. As soon as possible after the admission was made, the Department publicly acknowledged its error and expressed its regret.

Accordingly, your request for an expression of regret seems inappropriate.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Borke Marshall
Assistant Attorney General
Civil Rights Division

SECRET **CALL NO. 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 9**

[illegible]

WILLIAM H. BROWDER, CHIEF
WILLIAM E. MILLER, PRES.
EDWARD H. TAPP, JR.
JAMES C. CRANFORD, VICE
JOHN A. SMITH, JR., CH. CL.
EDWARD BROWN, TREAS.
JOHN T. LINDEN, GEN.
WILLIAM T. GORRA, CH.
GEORGE E. HENDERSON, CHIEF
CLARK MACHESNEY, TREAS.
CHARLES E. MCINTOSH, JR., CH.
JAMES E. HUGHES, JR., CH.
WILLIAM A. HEND, JR.
PATRICK DAVID BROWN, CHIEF.

May 10, 1963

STAFF CHIEFS:
DAVE L. DICK

GENERAL COUNSEL:
WILLIAM E. FORD
LEGISLATIVE ASSISTANT:
WALTER M. BENTON
COUNCIL:
JOHN W. BROWN
DEWITT FORD
WILLIAM F. GORTON
LAW COUNSEL COUNCIL:
CHARLES E. BIRD
ASSOCIATE COUNCIL:
WILLIAM M. GIBSON

Dear Mr. Marshall:

Mr. Johnson appears to me to have excellent qualifications, and I commend him to your attention should a vacancy exist.

Emanuel Celler
Emanuel Celler
Chairman

EC:dc
Enclosure

0 appli-
cants

13 May 1963

John W. Johnson, Esquire
1207 Columbia Road, Northwest
Washington, D. C.

Dear Mr. Johnson:

I understand you are interested
in working for the Civil Rights
Division. If you will call my secre-
tary and arrange for an interview,
I will be happy to see you.

Sincerely,

JOHN BOAR
First Assistant
Civil Rights Division

Congress.

13 May 1963

Honorable Emanuel Celler
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman Celler:

Thank you for your letter of May 10th about
Mr. John W. Johnson. I have asked Mr. Bear, the
First Assistant in the Civil Rights Division, to
write Mr. Johnson and arrange for a personal inter-
view.

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

~~Miss~~
Congressional

13 March 1963

Honorable Augustus F. Hawkins
Member of Congress
Washington 25, D. C.

Dear Congressman:

The Attorney General asked me to respond to your letter concerning the use of Emmett Ashford as an umpire in the major leagues.

I have endeavored to look into this matter in an informal fashion, but have not been able to find anything useful that we could do. Obviously the matter is not one of official concern to the Attorney General or the Department of Justice. As your letter suggests, any help that the Attorney General could give would have to be on a personal basis. Unfortunately, he is not acquainted with any of the people that you refer to, and is not acquainted at all with Mr. Frick.

Both the Attorney General and I will keep this in mind in case some occasion should arise upon which one of us might say something useful.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

... Lindley Beckworth wants a copy of the
AGs letter on "no communist influence
in civil rights".

Do I send it?

Sent copy of letter sent to
planning

0 0

20 September 1963

Honorable Lindley Beckworth
Member of Congress
United States House of
Representatives
Washington 25, D. C.

Dear Congressman:

As you requested, a copy of
the letter sent to Senator Monroney
regarding the possibility of
Communist influence in racial
matters is enclosed.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

0
PLEASE REPLY
THIS MAIL SHOULD BE
ACKNOWLEDGED WITHIN 48 HOURS

0
22 August 1963

Honorable Lindley Beckworth
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman Beckworth:

This is in response to your referral of August 5 forwarding a letter dated August 1, 1963 that you received from Mrs. James Stoner, Jr., which is returned herewith. It appears from your correspondent's letter that she is requesting your views on the accommodations provision of the civil rights bill and also "your views on the recent statement made by Robert Kennedy that the leaders of and the NAACP in general are not communist inspired." The Attorney General's views on these matters seem to have been amply covered in his recent appearances before Congressional Committees at which he testified in support of the Administration's civil rights bill. As Mrs. Stoner seems to be interested in receiving your personal views, further comment from this Department would seem to be inappropriate.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

UNITED STATES GOVERNMENT

DEPT. OF JUSTICE

Memorandum

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: Sept. 6, 1963
JRH:lah
144-19K-558
14,272

FROM : Jerome K. Heilbron
Attorney

SUBJECT: Telephone Call to Congressman F. Bradford Morse
Concerning Ralph W. Allen, III, and General Racial
Situation in Americus, Georgia.

As you requested, I phoned Congressman Morse
on September 5, 1963.

Immediately prior to phoning Congressman Morse, I phoned Steve Pace, Jr., Solicitor General, Americus, Georgia, to determine the current status of the following persons: Donald Stuart Harris, Ralph Waldo Allen, III, John William Perdew and Zev Aelony. All of these men have been charged with an attempt to incite an insurrection, a non-bailable, capital offense, in addition to less serious charges. They are all being held at the present time in the county jail at Americus, Georgia. (This is a new, above average jail and is approved for the purpose of holding federal prisoners). According to Steve Pace, Jr., Perdew, Allen and Harris have all had commitment hearings and have been bound over to the Grand Jury which meets in November, 1963. A commitment hearing was scheduled for Zev Aelony at 10:30 A. M., September 5, 1963 but Aelony's attorney, C. B. King, did not show up at the appointed time and the witnesses were released. When C. B. King did show up, approximately 25 minutes after the time set for the hearing, a new hearing was set for 10:30 A. M., Saturday, September 7, 1963.

We have had several complaints that persons other than lawyers have not been able to see prisoners at the Americus, Sumter County jail when they call upon them. Mr. Pace advises me that visitors hours are at 1:00 P. M. on Saturday only, and that to his knowledge it would be alright for anyone to visit any prisoner at that time.

Mr. Pace advised that he would be glad to furnish information concerning the above subject to anyone who might wish to call him. He stated "We have nothing to hide". I explained to him that we

- 2 -

had had several inquiries from various members of Congress and that I might refer them to him. His number is 924-9837, Americus, Georgia.

My conversation with Congressman Morse was very brief. I told him of the current status of the above mentioned defendants. He mentioned his conversation with you and wanted me to furnish him with a written report of whatever information we had concerning the above defendants, with special reference to his constituent, Ralph Allen, III. I told him we were still investigating some of the police brutality matters in Americus, but that I would furnish him with such a written report.

22 August 1963

Honorable Lindley Beckworth
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman Beckworth:

This is in response to your referral of August 5 forwarding a letter dated August 1, 1963 that you received from Mrs. James Stoner, Jr., which is returned herewith. It appears from your correspondent's letter that she is requesting your views on the accommodations provision of the civil rights bill and also "your views on the recent statement made by Robert Kennedy that the leaders of and the NAACP in general are not communist inspired." The Attorney General's views on these matters seem to have been amply covered in his recent appearances before Congressional Committees at which he testified in support of the Administration's civil rights bill. As Mrs. Stoner seems to be interested in receiving your personal views, further comment from this Department would seem to be inappropriate.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

DRAFT LETTER TO CONGRESSMAN BACKWORTH

Dear Mr. Congressman:

This is in response to your referral of August 5 forwarding a letter dated August 1, 1963 that you received from Mrs. James Stoner, Jr., which is returned herewith. It appears that your correspondent is requesting your views on the accommodations provision of the civil rights bill and also "your views on the recent statement made by Robert Kennedy that the leaders of and the NAACP in general are not communist inspired." The Attorney General's views on these matters seem to have been amply covered in his recent appearances before Congressional Committees at which he testified in support of the Administration's civil rights bill. Since Mrs. Stoner seems to be interested in receiving your personal views, further comment from this Department would seem to be inappropriate.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : J. Walter Yeagley
Assistant Attorney General
Internal Security Division

DATE: AUG 11 1963

BM:JIM:11h
144-75-0

FROM : Burke Marshall
Assistant Attorney General
Civil Rights Division

SUBJECT: Memorandum from Congressman Beckworth
attaching letter from Mrs. James Stoner,
Jr., Gladewater, Texas

I believe it would be preferable if you would answer Congressman Beckworth's inquiry of August 5, 1963, attached. I would appreciate receiving a copy of your reply.

W6450
FILED 214112

DONALD M. FRASER
San Francisco, California

ONE HUNDRED SEVENTH STREET
SAN FRANCISCO, CALIF. 94118

SOLE MEMBER
INTERNATIONAL ORGANIZATION

FOREIGN AFFAIRS COMMITTEE

INTERNATIONAL
ORGANIZATION
OF THE DEPARTMENT OF STATE
AND FOREIGN AFFAIRS
INTERNATIONAL ORGANIZATION
AND MOVEMENTS

Congress of the United States
House of Representatives
Washington, D. C. 20515

August 21, 1963

Mr. Burke Marshall
Assistant Attorney-General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

I am writing in regard to recent incidents which have surrounded the "Sumter County Movement" in Americus, Georgia, events which have been the subject of previous exchanges with your office. On earlier occasions, my staff and I have related to Mr. St. John Barrett and Mr. Hubbard information which I have received pertaining to encounters of a disputed nature between the demonstrators and the local authorities. Your most recent memo indicated that the FBI was conducting an investigation into the allegations arising out of these altercations. I am indebted to your office for the attention which has been devoted to this matter and for the efforts made to keep me informed as to current developments.

More recently the following information has been relayed to me: When the moratorium on demonstrations expired on Saturday, August 17, peaceful marches were again instituted in Americus. A leader of the movement, Mr. Zev Aelony, a resident of my district, was arrested on that day, while following---but not participating in--- a demonstration march to the city hall. He has been held on a charge of "inciting insurrection", without bail, pending a hearing which has been tentatively scheduled for September 3.

As this situation appears to be heading toward still more crucial moments and does not offer the promise of early resolution, I would appreciate the opportunity to become more

Letter to Mr. Burke Marshall
August 21, 1963 - page 2

fully briefed on your division's role in this and similar situations, its manner of operation therein and its evaluation of the current situation in Americus. More particularly, I am in doubt as to the particular factual circumstances in Americus which would precipitate legal action by the Justice Department. Toward this end, I would appreciate the opportunity to discuss this matter with you or a representative of your staff as soon as would be convenient for you.

Sincerely,



Donald M. Fraser

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: August 29, 1963

JKH:lah
144-19M-588
14,272

JKH
FROM : Jerome K. Heilbron
Attorney

SUBJECT: Conference with Congressman Donald M. Fraser,
Fifth District, Minnesota, August 27, 1963.

I discussed with Congressman Fraser and Mr. Nate Green of his office some of our problems regarding prosecutions under 18 U.S.C. 242. I told him of the current situation in Americus, Georgia.

He's interested in legislation that might cure some of the shortcomings of 242. I'll send him bills that have been previously proposed and related materials.

I have also furnished him with current information concerning his constituent Zev Aelony, now in jail in Americus.

He was very courteous to me and seemed to appreciate our problems concerning prosecution under 242.

0

3 Negro lawyers in Civil Rights Division:

Maceo Hubbard, head of the Constitutional Rights Section;

Felton Henderson, trial staff with John Doar;

Gerald Jones, attorney in Constitutional Rights Section.

CI ~~MA~~
Congress

1 August 1963

Honorable Robert W. Kastenmeier
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman

Thank you for your letter enclosing
the telegram from William Mahoney. I will call
you next week to discuss provisions of H.R. 7702
with you. In the meantime I will look into the
matter referred to in the telegram.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

incoming corres. to JD with note "What is the
telegram about?"

20530

Copy

July 19, 1963

Honorable John D. Dingell
House of Representatives
Washington, D.C. 20515

Dear Congressman:

It is a matter of personal regret to me under the circumstances that I have to tell you that the pace of our activities has become such that I for the present simply am unable to accept any invitations to speak outside of Washington. I am sorry about this because, as you know, I would have been happy under any other circumstances to talk at the forum in Detroit.

Would you please convey my regrets to the organized group there.

Very truly yours,

Durke Marshall
Assistant Attorney General
Civil Rights Division

D

Q House

June 17, 1963

Honorable William M. McCulloch
House of Representatives
Washington 25, D.C.

Dear Congressman McCulloch:

I would appreciate anything you could do to keep the dissemination of these under control. Unfortunately, we have run short, and I have to have a new stencil made before I will have any more copies available.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

*Mr. M. L.
Conf. Personal
for your
info -
h*

13 May 1963

Honorable Charles C. Biggs, Jr.
Member of Congress
United States House of Representatives
Washington 25, D. C.

Dear Congressman Biggs:

In Mr. Marshall's absence, I am responding
to your letter of May 10th.

On Saturday morning, the United States filed
an action in the federal District Court for the Southern
District of Mississippi, seeking the release of the
five persons who were arrested and charged with arson
in Holmes County, Mississippi.

A hearing on our application for a temporary
restraining order has been set for next Thursday at
Jackson.

With respect to your inquiry about Mr. Henry's
drugstore in Clarksdale, there have been some indications
that the damage to Mr. Henry's store was due to lightning
rather than as the result of a bombing.

We are endeavoring to determine what was the cause
of the damage. In that regard, debris from the damaged
store is being analyzed by the FBI laboratory here in
Washington.

Yours very truly,

CHARLES C. DIGGS, JR.
16th District, Missouri

OFFICE OFFICE
501 WOODWARD AVENUE
ST. LOUIS

MISS DOROTHY CHARNER
CHAMBERLAIN ASSISTANT

Congress of the United States
House of Representatives
Washington, D. C.

CHIEF OF
FOREIGN AFFAIRS

WASHINGTON OFFICE
1015 NEW HOUSE OFFICE
BUILDING

CAPITAL 4-0121
STANDARD 2221

May 10, 1963

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

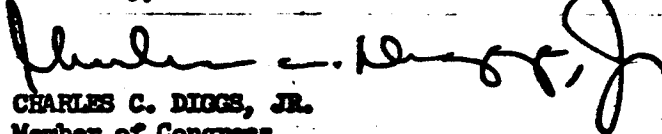
Dear Mr. Marshall:

Please provide me with any facts which you might have relative to the attached newspaper report. I would also be interested in knowing whether you think there is any basis for Federal involvement.

It is also my understanding that last week end the drug store owned by Aaron Henry, in Clarksdale, Mississippi, was the object of a similar incident. Therefore, I would also like to secure the same information relative to that report.

I shall be looking forward to your response.

Sincerely,



CHARLES C. DIGGS, JR.
Member of Congress
United States of America

Enclosure

(D) Q L,
The File

12/20/63

Burke Marshall
Assistant Attorney General

Letter of July 23, 1963 to Senator Monroney

At the time of the Attorney General's letter of July 23 to Senator Monroney, I called on the Senator at his office at the request of the Attorney General. I told him that I wanted to inform him as to the most serious efforts that we knew of by Communists to infiltrate the Southern Christian Leadership Conference.

I told the Senator that Stanley Levison, a white New York lawyer, was quite probably a member of the Communist Party and had for some time a position of some influence over Martin Luther King, Jr., through financial contributions, advice, and assistance writing speeches and other material. I also told the Senator that Levison had been instrumental in having Hunter Pitts O'Dell employed by the Southern Christian Leadership Conference and that O'Dell was probably also a secret Communist.

I also told the Senator that I had warned Dr. King about these two men at the direction of the President; that O'Dell had subsequently been fired by King; and that King had discontinued all open connection with Levison.

DOUGLAS

United States Senate

WASHINGTON, D.C.

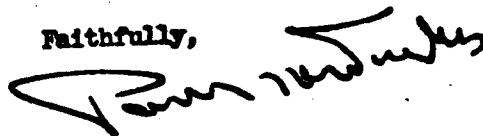
August 12, 1963

Dear Mr. Marshall:

I enclose a copy of a letter of details for the August 28th march, which I regard as essential, and which I sent to Mr. Randolph last Friday with eight copies to others who are assisting him.

Warmest best wishes.

Faithfully,



Paul H. Douglas

Honorable Burke Marshall
Assistant Attorney General
Department of Justice
Washington 25, D. C.

John Prof.
Did you see this?
for

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. John Douglas	
2. Burke Marshall	Room 1143
3.	
4.	
5.	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

19 August

Johns

Did you see this?

Mr. Marshall:
Yes. Thanks.
John

BM

Dear Senator Douglas,
It was kind of
you to think to send
me a copy of your
letter to Philip
Randolph. I think
I am happy to
have your
full attention
and
thanks

FROM NAME	BUILDING, ROOM, EXT.	DATE

Senator

22 August 1963

Honorable Paul H. Douglas
United States Senate
Washington 25, D. C.

Dear Senator Douglas:

It was kind of you to think to send
me a copy of your letter to Philip Randolph.
I think it very helpful, and coming from you,
it will receive full attention.

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

O.

Long

July 31, 1963

Honorable Peter W. Dominick
United States Senate
Washington, D.C.

Dear Senator:

This is in response to your inquiry of the Federal Bureau of Investigation concerning the charges made at the hearings on 8. 1762 that the racial problems in this country, particularly in the South, were created or are being exploited by the Communist Party.

Based on all available information from the FBI and other sources, we have no evidence that any of the top leaders of the major civil rights groups are Communists, or Communist controlled. This is true as to Dr. Martin Luther King, Jr., about whom particular accusations were made, as well as other leaders.

It is natural and inevitable that Communists have made efforts to infiltrate the civil rights groups and to exploit the current racial situation. In view of the real injustices that exist and the resentment against them, these efforts have been remarkably unsuccessful.

I hope that this provides the information you were seeking.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

DOMINICK
ALBANY

COMMITTEE
INTERNAL AND FOREIGN AFFAIRS
SENATE AND CONGRESS
DISTRICT OF COLUMBIA

United States Senate

WASHINGTON, D.C.

July 26, 1963

Mr. Burke Marshall
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

There have been allegations made of late that the current civil rights demonstrations, which are occurring throughout the country, are Communist inspired. The purpose of my inquiry is to ascertain the validity of these allegations.

More specifically, have there been any findings which show that any of the leaders or the organizations themselves are Communist? Have any of the leaders been associated with known Communists? And, lastly, what degree, if any, has the Communist Party infiltrated the rank and file of these organizations and demonstrations?

Your efforts in answering my inquiries will be sincerely appreciated.

Sincerely,


Peter H. Dominick
United States Senator

PHD:lmh